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COMMAND & COMMAND STRUCTURE

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ANNEX B TO THE CHARLESTON OIL AND HAZMAT AREA CONTINGENCY PLAN
COMMAND AND COMMAND STRUCTURE

Reference: (a) 40 CFR 300, National Contingency Plan
(b) PL 101-380, Oil Pollution Act of 1990
(c) 33 USC 1321, Federal Water Pollution Control Act of 1977
(d) 42 USC 9601, Comprehensive Environmental Response, Compensation, and Liability Act of 1980
(e) 33 CFR 6.01-3 et seq, Captain of the Port

1. INTRODUCTION. Historically, the success or failure of any response effort is often determined as much by the organization in place as by the availability of personnel and clean up equipment. One of the purposes of this plan is to ensure that all appropriate agencies in the Charleston area are aware of and involved in the local "oil spill response organization". In this plan, the local oil spill response organization will be divided into two categories, planning and response. Both will be in place prior to a spill or release incident and will be periodically exercised and/or evaluated.

The U.S. Coast Guard is tasked by the National Contingency Plan with providing the predesignated Federal On-Scene Coordinator (FOSC) for oil and hazardous material spills and releases that effect or threaten navigable waters of the United States. As the FOSC, the Captain of the Port (COTP) heads the local multi-agency response team. This team must assess the situation and identify, select, and implement the most appropriate means of response. Often, decisions regarding critical response actions must be made quickly and with incomplete information. Failure to implement appropriate response actions quickly may result in the loss of the selected response action as an option, and will significantly increase the difficulty and costs associated with the containment, recovery, and restoration of natural resources.

2. COMMAND AND CONTROL. In events significant enough to involve agencies other than the Coast Guard, response in the MSO Charleston area of responsibility will be based on the Unified Command System. The following Annexes in this plan list and describe the numerous key positions which should be filled during a "significant" response. To ensure the best possible response, it is essential that the most qualified individuals fill these positions. Who fills these positions depends on the particular incident, however, it is highly unlikely that they will all be from the Coast Guard or any other individual agency. It is highly possible that some of the key individuals may be employees of the responsible party. This is particularly true when cleanup by chemical means (e.g. use of dispersants) is being considered.

Available to the FOSC, but not under the direct command of COTP Charleston, are advisory groups required by references (a) and (b). Those planning and response groups as well as the local response organization are described throughout this plan.

3. UNIFIED COMMAND. When a significant incident (i.e. large oil spill, hazardous material release, vessel grounding, vessel collision, etc.) occurs, the FOSC must assemble personnel representing other federal, state, and local agencies, and the responsible party into a cohesive organization. To assist in this task, the Coast Guard has adopted the Unified Command System (UCS). UCS is a management concept for coordinating responses to emergency incidents by two or more agencies, and was designed to accomplish the following:

- ◆ Improve information flow and interfaces among involved agencies;
- ◆ Provide a forum to address all stakeholder concerns;
- ◆ Develop a single collective approach to an incident;
- ◆ Optimize the efforts of all agencies as they perform their respective missions;
- ◆ Reduce omissions; and
- ◆ Eliminate duplication of efforts.

4. BACKGROUND. UCS evolved from the Incident Command System (ICS) which was developed out of necessity during the 1980's, when the complexity of fire fighting incidents increased dramatically. The basic organizational structure of the system is based upon a large fire organization, and is designed to be used for all kinds of emergencies that range from small day-to-day situations to very large and complex incidents. UCS is the first consistent, systematic means of organizing a variety of agencies into one concerted effort for oil and hazardous material incidents.

5. INCIDENT COMMANDER. During incidents that occur in an area under the jurisdiction and authority of the U.S. Coast Guard, the FOSC will head the Unified Command as the Incident Commander. The following is a brief description of how the Unified Command System will be used for an incident occurring within the area of responsibility covered by this plan.

6. GUIDING PRINCIPLES. Technically, the Unified Command begins the moment two or more agencies have jurisdictional responsibilities over an incident. Getting together early in an incident's development, staying together, and sharing intelligence and individual agency decisions help smooth the way for more complex operations if the emergency escalates. Several key principles must be adhered to for the successful implementation of the UCS. Those principles include familiarity with the system by the entire response management organization, commonality of purpose and terminology's, and a single organizational structure.

Following the UCS precepts enables a response that is directed from one command using one set of action plans. This "unified" approach to the management of a multi-agency incident helps ensure that the appropriate responsible officials address all aspects of an incident.

7. ATTRIBUTES. The Unified Command System is a management system. Because of its unique features, the UCS has the flexibility and adaptability to be applied to a wide variety of circumstances, both large and small. Below is a brief description of the UCS's major attributes. These attributes must be observed for the system to function as designed.

a. Common Terminology. Common terminology is essential for the use of a multi-agency management system. Specific terms have been established for the following areas, using the original ICS concepts as a basis:

- (1) ***Organizational Functions*** - A standard set of terms to describe major functional areas has been predesignated and named for the UCS.
- (2) ***Position Titles*** - Personnel in leadership roles within the UCS are referred to by common position titles, as a way to avoid the confusion created by multi-agency rank designations.
- (3) ***Resource Designators*** - Common identifiers are assigned to various resources. Some resources may be classified by type of capability and/or capacity.

b. Communicability. Communications at the incident are managed through the use of a common communications plan, and an incident-based communications center, established solely for the use of tactical and support resources assigned to the incident. All communications between organizational elements at an incident should be in plain English. No codes or institutional lingo should be used, and all communications should be confined to only essential messages. Several communications networks may be established depending upon the size and complexity of the incident. These may include:

- (1) ***Command Net*** - Established to link supervisory personnel from the Incident Commander down to and including division and group supervisors.
- (2) ***Tactical Nets*** - Established in a variety of ways, e.g., by agency, department, geographical area, or function. Tactical nets may be established for each branch, or for divisions and groups, depending upon hardware and frequency availability, and incident specific needs.
- (3) ***Support Nets*** - Established on larger incidents to handle logistics traffic and resource status changes.
- (4) ***Ground to Air*** - Established to coordinate aviation resources.
- (5) ***Air to Air*** - Established for coordination between aircraft assigned to an incident.

c. Incident Action Planning.

- (1) Every incident needs some form of action plan. For small incidents of short duration the plan may not be written. The following are examples of when written action plans should be used:
 - ◆ When resources from multiple organizations and contractors are being used.
 - ◆ When several jurisdictions are involved.

- ◆ When the incident will require changes in shifts of personnel and/or equipment.

(2) The Incident Commander will establish objectives and make strategy determinations for the incident based upon the requirements of the incident. In the case of a unified command, the incident objectives must adequately reflect the policy and needs of all involved organizations and agencies with jurisdiction. The Incident Action Plan must address all tactical and support needs required for each operational period.

d. Limited Span-of-Control. Safety factors as well as sound management planning will both influence and dictate span-of-control considerations. In general, within the UCS, the span-of-control of any individual with incident management responsibility should range from three to seven personnel, with a span-of-control of five being optimal.

The kind of incident, the nature of the task, hazard and safety factors will all influence span-of-control. An important consideration in span-of-control is to anticipate change and prepare for it. This is especially true during rapid buildup of the organization when good management is made difficult because of too many reporting elements. It is also important to consider during the wind down phases of the incident. The demobilization of certain activities should be as well thought out and focused on as the ramp-up.

e. Management by Objectives. Within the UCS, "Management by Objectives" covers four essential steps. These actions are necessary on every incident regardless of size or complexity.

- ◆ Understanding agency policy and direction.
- ◆ Establishing incident objectives.
- ◆ Selecting appropriate strategy.
- ◆ Applying tactics appropriate to strategy, assigning correct resources and monitoring performance.

f. Organizational Flexibility. The UCS structure develops in a modular fashion based on response operation needs (size of spill, impact, etc.). The UCS staff builds from the top down with responsibility and performance requirements initially placed with the Incident Commander. As the scope of an incident increases, the need to break down into smaller functional sections also increases. The specific structure established for any given incident would be driven by the level of management needed. Elements that have been activated and are clearly no longer needed should be deactivated to decrease organizational size.

g. Physical Resource Management. Resources may be managed in three different ways, depending upon the needs of the incident. Regardless of the approach or approaches used, an accurate picture of the status of each resource must be maintained and kept up to date.

- (1) **Single Resources** - These are individual pumps, power packs, boom trailers, beach cleanup crews or others to be assigned as primary tactical units. A single resource will be the equipment plus the required individuals to properly utilize it.
- (2) **Task Force** - A task force is any combination of resources that can assemble to accomplish a specific mission. A task force should be established to meet specific tactical needs and should be demobilized as a single resource.
- (3) **Strike Teams** - A strike team is a specific combination of the same kind and type of resources with common communications and a leader.

* The use of a task force and strike teams is encouraged, wherever possible, to maximize the use of resources, reduce the management control of a large number of single resources and reduce the communications load.

h. Resource Status Conditions. To maintain an up-to-date and accurate picture of resource utilization, it is necessary that all resources are assigned a current status condition and all changes in resource locations and status conditions be reported to, and captured by, the Planning Section. Three status conditions are established for use with tactical resources at the incident:

- (1) **Assigned** - Performing an active assignment.
- (2) **Available** - Ready for assignment. All resources in staging areas should be available.
- (3) **Out-of-Service** - Not ready for availability or assigned service.

The individual who makes the change in a resource's status is responsible for providing that information to the Situation Unit in the Planning Section.

i. Predesignated Facilities. There are several kinds and types of facilities that can be established in and around an incident area. The determination of the kinds of facilities and their locations will be based upon the requirements of the incident and the needs of the Incident Commander.

- (1) **Incident Command Post** - Designated as the ICP, the Incident Command Post will be the location from which all incident operations are directed. In a unified command structure, where several organizations or jurisdictions are involved, the responsible individuals designated by their respective organizations would be collocated at the ICP. Normally, the communication center will be established at this location.
- (2) **Field Command Post** - Designated as the FCP, the Field Command Post will be located near the incident and will be manned at all times. It will serve as an on-scene observation and data collection center.

- (3) ***Staging Areas*** - Staging areas are established for temporary location of available tactical resources. Staging areas will be established by the Operations Section Chief to locate resources not immediately assigned or awaiting disposal or demobilization. The Operations Section Chief will assign a Staging Manager for each staging area.

j. **Unity of Command**. Under the UCS every individual has a designated supervisor so that there is an orderly line of authority within the ranks of the organization with lower levels subordinate to higher levels. In the military this is known as the "Chain of Command." As incidents expand, the command grows from the Incident Commander plus single resources to an organizational structure that may include several layers.

- ◆ Command
- ◆ Sections
- ◆ Branches
- ◆ Divisions/Groups
- ◆ Unit
- ◆ Single Resources

k. **Transfer of Command**. Command at an incident is initially established by the highest authority at the scene that has jurisdiction for the incident. Transfer of command at an incident may take place for the following reasons:

- ◆ A more qualified person assumes command.
- ◆ The incident situation changes over time to where jurisdictional or agency change of command is legally required, or it makes good management sense to make the transfer.
- ◆ Normal turnover of personnel on long or extended incidents.

APPENDIX I TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
COMMAND AND COMMAND STAFF

COMMAND

1. INCIDENT/UNIFIED COMMANDER. The management of any incident or event always includes five major functions. One person, the Incident Commander, can be responsible for all functions or each can be represented separately within the UCS organization. The five functional areas are:

- ◆ Command
- ◆ Operations
- ◆ Planning
- ◆ Logistics
- ◆ Finance and Administration

On any incident, large or small, the Incident Commander has ultimate responsibility for the effective and safe execution of each the five functions. Even if the other functions are not filled separately, an Incident Commander will always be designated. The Incident Commander's responsibilities include:

- a. Assess the situation and/or obtain a briefing from the prior Incident Commander. The latter would be especially true in a pollution incident where fire is involved, since the fire chief would probably be the initial Incident Commander.
- b. Determine the incident's objectives and strategies.
- c. Establish:
 - ◆ Immediate priorities.
 - ◆ Incident Command Post.
 - ◆ Appropriate functional organization
- d. Ensure planning meetings are scheduled.
- e. Approve and authorize the implementation of the Incident Action Plan.
- f. Ensure that adequate safety measures are in place.
- g. Coordinate:
 - ◆ Activities of Command and general staff.
 - ◆ With key people and officials
- h. Approve requests for additional resources, or the release of resources.
- i. Keep agency administrator informed of incident status.

- j. Approve the use of:
 - ◆ Trainees,
 - ◆ Volunteers and
 - ◆ Auxiliary personnel.
 - k. Authorize the release of information to the news media.
 - 1. Order the demobilization of the incident when appropriate.
2. STATE ON SCENE COORDINATOR. Represents state interests as a member of the Command and advises the Unified Commander on matters of state concern.
3. RESPONSIBLE PARTY. The third member of the Command is the responsible party. This person is a partner in the Command's decision making process and attempts to balance the interests of the spiller against the needs of the response. When a responsible party is identified, they will normally take the lead in response actions and be guided by the policies and direction of the state and federal members of the Command. They are ultimately responsible for the effective and complete mitigation of any incident to the satisfaction of the FOSC and cognizant state authorities.
4. OTHERS. It can be expected that other political interests, such as townships and counties, may wish to have full membership in the Command during events that occur within their jurisdictions. However, the value of their representation, at this level, should be weighed against their ability to make and act upon decisions and policies of the Command. Local specialists may be better used in the Command Staff or in one of the functional sections described below. A Command Staff Liaison Officer may also be assigned to coordinate local input.

II. COMMAND STAFF

1. CHIEF OF STAFF/LIAISON OFFICER. The Chief of Staff is responsible for managing the actions of the Command Staff and tasking them as directed by the Incident Commander. This position is the primary link between the Command and the Command Staff. When acting as Liaison Officer this person is the primary point of contact between the Command and other cooperating agencies. Responsibilities include:
- a. Overseeing Command Staff.
 - b. Serving as the initial point of contact for participating response agencies and groups, and identify assignments to appropriate UCS sections.
 - c. Maintaining a complete list of assisting and cooperating agencies.
 - d. Assisting in establishing and coordinating interagency contacts.
 - e. Keeping agencies that are supporting the incident aware of incident status.

- f. Monitoring incident operations to identify current and potential inter-organizational problems.
- g. Participating in planning meeting, providing current resource status, including limitations and capabilities of assisting agency resources.
- h. Responding to requests from incident personnel for inter-organizational contacts.
- i. Keeping the incident commander informed of significant liaison activity.
- j. Maintaining unit log of actions, correspondence, and communications.

2. **INFORMATION OFFICER.** The Information Officer coordinates all events related to information development and implementation of the public affairs strategy for the incident. He/She is responsible for compiling accurate and complete information regarding incident cause, size, current situation, resources committed and other matters of interest. The Information Officer will normally be the point of contact for the media and other agencies desiring information directly from the incident. He/She will also develop and release information about the incident to the:

- ◆ News media
- ◆ Incident personnel, and
- ◆ Other appropriate agencies and organizations.

The Information Officer's responsibilities include:

- a. Serving as the central control point for the dissemination of official information to the media.
- b. Establishing, organizing and managing the Joint Information Center/Bureau (JIC or JIB) as the central location for disseminating official information.
- c. Preparing the initial information summary as soon as possible after arrival.
- d. Scheduling, organizing, and conducting UCS media briefings, interviews, and tours.
- e. Developing presentations such as charts, maps, and graphics to support both response operations and media briefings.
- f. Resolving conflicting information and reporting media concerns to Unified Command.
- g. Organizing and managing the Public Affairs Staff needed to carry out public affairs tasking.

- h. Determining from the Unified Command if there are any limitations on information release.
 - i. Identifying media concerns to the Unified Command.
 - j. Advising the media of the incident, and conducting and scheduling briefings.
 - k. Maintain log of actions and events.
3. INVESTIGATIONS OFFICER. The Investigation Officer's function is to determine the cause of the incident and process appropriate reports relative to findings. Responsibilities include:
- a. Identifying and documenting the source of a discharge and the responsible party.
 - b. Securing statements, physical evidence, and samples necessary to establish the cause of a discharge, identify the responsible party, and document the elements of an FWPCA or other violation.
 - c. Gathering other information that may be required from the scene of an incident that may be required by the UCS, including:
 - ◆ The quantity of the discharge;
 - ◆ The status of vessels, facilities, or personnel involved in the incident; and
 - ◆ Evidence of impact, damage, or loss.
 - d. Coordinating concurrent investigations with other interested parties.
 - e. Ensuring timely administration of alcohol and drug testing is completed.
 - f. Managing the availability of evidence.
 - g. Providing complete and accurate information to all members of involved law enforcement. This information must be delivered quickly and be of high quality to preclude unilateral actions by committee members that may hinder the success of the response. (If needed to assist with communications, a suitably equipped space will be provided for the members.)
 - h. Informing the Incident Commander of the status of investigations.
 - i. Coordinating and managing procedures, plans, and personnel needed to accomplish investigation tasking.
 - j. Maintaining log of actions and events.

4. LEGAL OFFICER. The Legal Officer is responsible for advising the Command on questions related to the actual response effort. Due to the complexities and potential liabilities inherent in incident response it is imperative that the Command receive timely legal advice in support of its response decision making.

- a. Review Common Responsibilities.
- b. Participate in planning meetings if requested.
- c. Advise Unified Command on legal issues relating to Natural Resource Damage Assessment.
- d. Advise Unified Command on legal issues relating to investigation.
- e. Advise Unified Command on legal issues relating to claims and finance.
- g. Advise Unified Command on response related issues.
- h. Maintain Unit/Activity Log (ICS Form 214).

5. SAFETY OFFICER. The Safety Officer reviews the hazards and unsafe conditions attendant to the incident, and develops and maintains a site safety plan for the duration of Federal involvement. The Safety Officer will correct unsafe acts or conditions through the regular line of authority, although the officer may exercise emergency authority to stop or prevent unsafe acts when immediate action is required. The Safety Officer also monitors activities for compliance with applicable safety laws and regulations. Specific responsibilities include:

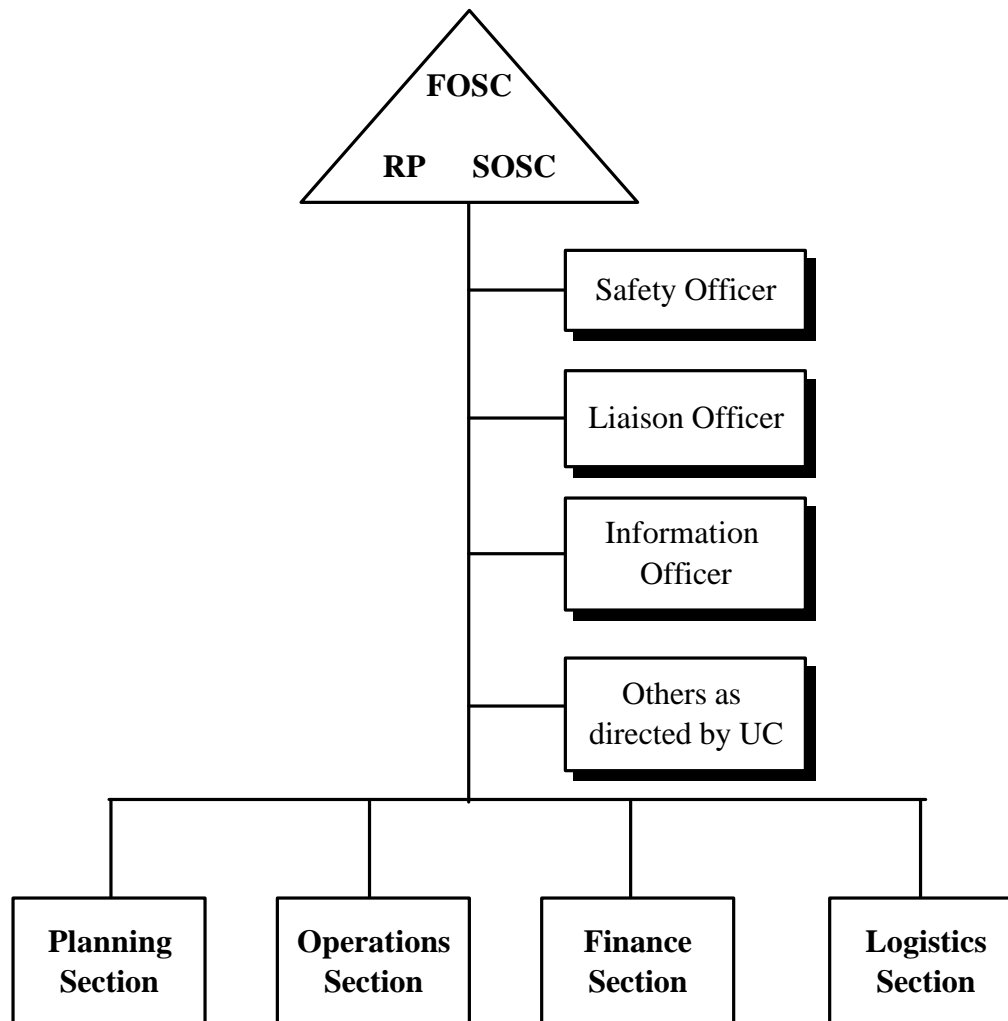
- a. Participating in planning meetings.
- b. Identifying hazardous situations associated with the incident and advising responding personnel on methods of protection including personal protective clothing and response procedures.
- c. Reviewing the Incident Action Plan for safety implications.
- d. Exercising emergency authority to stop and prevent unsafe acts.
- e. As far as practicable, ensuring responders have qualifications to perform assigned tasks and that training performed is documented.
- f. Investigating accidents that have occurred within the incident area.
- g. Exercising emergency authority to stop and prevent unsafe acts.
- h. Investigating accidents that have occurred due to involvement with the incident.
- i. Reviewing and approving the medical plan.
- j. Assigning assistants as needed.

- k. Developing the Site Safety Plan, and issuing to members of the Unified Command after approval.
- l. Keeping the Incident Commander informed regarding significant events, occurrences, or activities.
- m. Maintaining a log.

6. SCIENTIFIC SUPPORT COORDINATOR (SSC). The SSC's primary function is to synthesize and analyze scientific information that supports operational decisions by the Unified Command, in particular the FOSC. Scientific support entails compiling information from multiple sources, screening it for quality, and focusing it on operational questions that arise during a spill. If the type or level of expertise required for the incident is beyond the scope of the SSC, the SSC is responsible for ensuring that the required information is obtained from the appropriate source and is provided for the Unified Command's use. Specific responsibilities include:

- a. Coordinating synthesis and integration of environmental information required for spill response decisions, including spill movement trajectories, determining resources at risk, and environmental trade-offs for different clean up and protection strategies.
- b. Identifying scientific issues affecting the response and work with the scientific community to reach a consensus on these issues.
- c. Coordinating requests for assistance from State and Federal agencies regarding scientific studies.
- d. Assist JIC and Unified Command in addressing scientific questions from the media and the general public in press briefings, public meetings, and preparation of fact sheets and briefing tools.
- e. Reviewing Incident Action Plan for affectivity.
- f. Assisting Operations Section with tactical decisions during the nascent phase of the incident.
- g. Assisting the Planning Section with strategic planning during the production phase of the incident.
- h. Keeping the Incident Commander informed regarding significant events, occurrences, or activities.
- i. Maintain a log.

APPENDIX II TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
COMMAND STRUCTURE - UNIFIED COMMAND



APPENDIX III TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP HEALTH AND SAFETY

Reference: (a) 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response

1. GENERAL. Coast Guard employees, other government employees, and contract personnel involved in oil spill response activities must comply with all applicable worker health and safety laws and regulations. The primary federal regulations are the Occupational Safety and Health Administration (OSHA) standards for hazardous waste operations and emergency response found in 29 CFR 1910.120.

2. APPLICABILITY. This rule regulates the safety and health of employees involved in remedial operations at uncontrolled hazardous waste sites being cleaned up under government mandate and in certain hazardous waste treatment, storage, and disposal operations conducted under the Resource Conservation And Recovery Act of 1976 (RCRA). The regulations also apply to both emergency response and post-emergency cleanup of hazardous substance spills. The definition of hazardous substance used in these regulations is much broader than CERCLA, encompassing all CERCLA hazardous substances, RCRA hazardous waste, and all DOT hazardous materials listed in 49 CFR Part 172. Thus, most oils and oil spill responses are covered by these regulations. The rules cover employee protection during initial site characterization and analysis, monitoring activities, materials handling activities, training, and emergency response. In addition, other regulations in general industry (part 1910), construction (part 1926), and the maritime industry (parts 1911 to 1925) may also apply. Also, any hazards for which OSHA does not have a standard could be addressed. Examples of these are heat and cold stress, since extreme temperatures and humidity can be reached in the southeast.

3. SITE CLASSIFICATION. OSHA classifies an area impacted by oil as an uncontrolled hazardous waste site. However, the regulations do not automatically apply to an oil spill cleanup. There must be an operation that involves employee exposure or the reasonable possibility for employee exposure to safety or health hazards. A typical beach cleanup worker collecting tar balls of weathered oil or deploying sorbents to collect a sheen may not be exposed to a safety or health risk.

The role of the site safety and health supervisor (the Coast Guard District Occupational Health and Safety Coordinator could fill this position) is to assess the site, determine the safety and health hazards present, and determine if OSHA regulations apply. If an OSHA field compliance officer is on-scene, he or she should be consulted to determine the applicability of OSHA regulations. Disputes should be referred to the Department of Labor representative on the RRT.

The individual making the site characterization should communicate the hazards associated with the spill, and provide recommendations for the protection of workers' safety and health through a site safety plan. The responsibility for the health and safety of personnel supporting a pollution response mission rests with the On Scene Coordinator.

4. TRAINING REQUIREMENTS. In oil spill responses where OSHA regulations apply, the OSC must ensure that paragraphs (b) through (o) of 29 CFR 1910.120 are complied with. Coast Guard personnel assigned to an MSO and routinely involved in pollution response should complete a 40-hour course meeting the OSHA training in paragraph (e) of 29 CFR 1910.120. Training records should reflect that OSHA requirements have been satisfied.

Contractors are responsible for certifying the training of their employees. OSHA has recognized the need to remove oil from the environment and has empowered the OSHA representative to the RRT to reduce the training requirement to a minimum of 4 hours for responders engaged in post emergency response operations. An example of a post emergency response effort is shoreline cleanup operations. The reduced training applies to all Coast Guard personnel and to the private sector. This information may be found in OSHA Instruction CPL 2-2.51. The level of training required depends on the potential for exposure. Workers required to use respirators must have 40 hours of off-site training. The OSHA field compliance officer should be contacted to ascertain the worker training requirements and develop an implementation plan to minimize the hazards of exposure to workers involved in cleanup operations.

Training requirements may vary from State to State. If State requirements are more restrictive they will preempt Federal requirements. The OSC should establish contact with the State OSHA representative, where applicable, to determine the State training requirement for oil discharge response.

TAB a TO APPENDIX III TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
SAFETY OFFICER

The **Safety Officer** reviews the hazards and unsafe conditions attendant to the incident, and develops and maintains a site safety plan for the duration of Federal involvement. The Safety Officer will correct unsafe acts or conditions through the regular line of authority, although the officer may exercise emergency authority to stop or prevent unsafe acts when immediate action is required. The Safety Officer also monitors activities for compliance with applicable safety laws and regulations. Specific responsibilities include:

- a. Participating in planning meetings.
- b. Identifying hazardous situations associated with the incident and advising responding personnel on methods of protection including personal protective clothing and response procedures.
- c. Reviewing the Incident Action Plan for safety implications.
- d. Exercising emergency authority to stop and prevent unsafe acts.
- e. As far as practicable, ensuring responders have qualifications to perform assigned tasks and that training performed is documented.
- f. Investigating accidents that have occurred within the incident area.
- g. Reviewing and approving the medical plan.
- h. Assigning assistants as needed.
- i. Developing the Site Safety Plan, and issuing to members of the Unified Command after approval.
- j. Keeping the Incident Commander informed regarding significant events, occurrences, or activities.
- k. Maintaining a log.

TAB b TO APPENDIX III TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
SITE SAFETY AND HEALTH PLAN

Reference: (a) 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response

1. GENERAL CONSIDERATIONS. One of the key components of a safe and effective response is the early designation of a Safety Officer and the development of a comprehensive Site Safety and Health Plan. A Site Safety Plan is required when personnel must enter a contaminated area to mitigate oil pollution and is designed to protect entry personnel as much as possible. The Site Safety plan addresses the following areas:

- a. Objectives of the response;
- b. Organization and coordination;
- c. Identification of all hazards associated with the released product;
- d. Personnel protective equipment requirements;
- e. On-scene work plans;
- f. Communications;
- g. Emergency contingency plans;
- h. Decontamination procedures; and
- i. First aid.

2. PLAN ACCEPTANCE AND VERIFICATION. All personnel on site, contractors and subcontractors included shall be informed of the site emergency response procedures and any potential fire, explosion, health or safety hazards related to the operation. This incident will be managed and operated under the "Unified Command System" as set forth by national, state and local standards. This plan must be reviewed and an agreement to comply with the requirements of this plan must be signed by all personnel prior to entering the exclusion zone or contamination reduction zone. Noncompliance with the site safety procedures will be grounds for reprimand and possible removal from site activities. A site safety officer will be appointed to develop, implement and verify compliance with the Site Safety and Health Plan. This plan is in effect upon approval and signature of the Unified Commander.

3. SITE SAFETY PLAN REVIEW. Once the plan is completed, it is reviewed by the Incident Commander and the OSC for approval. Initial and subsequent entries may be conducted only after the Site Safety plan is approved. Additionally, prior to entry, all entry personnel receive a thorough briefing to ensure everyone is fully aware of exactly what is to be done and what potential hazards exist. After approving the Site Safety Plan the FOSC will continue to monitor response, cleanup and disposal activities to ensure the completeness and to ensure all safety and environmental concerns are addressed.

APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
PUBLIC AFFAIRS INFORMATION

1. GENERAL. Considering the high level of environmental awareness in many communities, any pollution incident is likely to generate interest from the public and the media. One or two inquiries by telephone can be handled by a short telephone interview with the **Public Affairs Officer** (PAO) or the appropriate Branch Chief. For large spills, it is not always possible to serve the people and the news media by conducting individual phone interviews. However, when significant media interest is anticipated, the PAO should generate a media release describing the incident, response efforts, future plans, and other details as necessary.

This appendix contains general public affairs policies including specific guidance for dealing with the media and the staffing of a **Joint Information Center** (JIC).

2. MEDIA LOGISTICS. Logistical issues will be handled by the Media Relations Coordinator and the Remote Site Media Liaison (see B-IV-d-iv for a complete breakdown of duties).

Of particular concern is the safe transport of the media to the site to meet their needs, without hazarding the individuals or interfering with the response. Another issue is the early establishment of a gathering area for the media for the purpose of conducting briefings. This site should be removed from the incident but not so remote that it is inaccessible.

TAB a TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
MEDIA CONTACTS FORM

MEDIA CONTACT LIST

POC

PHONE

FAX

Associated Press

United Press

CNN

Local Wires

Local TV

Radio

Newspapers

TAB b TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
MEDIA ADDRESSES

*Unless otherwise indicated, all telephone numbers are local.

Newspapers

STATEWIDE

The State	(803) 771-6161	FAX (803) 771-8430
P.O. Box 1333	POC: Dave Moniz	
Columbia, SC 29201		

CHARLESTON

The Post and Courier	937-5581 or 937-5554	FAX 937-5579
134 Columbus Street	POC: Tony Bartleme	
Charleston, SC 29402		

GEORGETOWN

Georgetown Times	(803)546-4148	FAX (803)546-2395
P.O. Drawer G	POC: Jesse Tullos	
Georgetown, SC 29442		

MYRTLE BEACH

The Sun-News	(803)626-0300	FAX (803)626-0356
P.O. Box 406	POC: Kent Bernhardt	
Myrtle Beach, SC 29578		

News Services

Associated Press	722-1660	FAX 723-4018
SC News Network	790-4300	FAX 790-4309

Television

CHARLESTON/GEORGETOWN

WCBD TV 2 (NBC)	884-2288 or 884-2222	FAX 884-6624
P.O. Box 879	POC: Ann Fonda	
Charleston, SC 29402	Stacy Stall (after 6 pm)	

WCIV CH 4 (ABC)	881-4444 x4449	FAX 849-2519
P.O. Box 22165	POC: Tammy Thompson	
Charleston, SC 29413		

WCSC TV 5 (CBS)
P.O. Box 186
Charleston, SC 29402

577-6397 or 723-8371
POC: Chris Drummond

FAX 722-7537

WTAT TV 24 (FOX)
4301 Arco Lane
N. Charleston, SC 29418

529-2250
POC: Bill Littleton

FAX 554-9549

MYRTLE BEACH

WBTW TV 13 (CBS)
101 McDonald Court
Myrtle Beach, SC 29577

803-293-1301
POC: Lorraine Woodward

FAX 803-293-7701

WFXB TV 43 (FOX)
8694 Old Reaves Ferry
Conway, SC 29526

803-399-6143
POC: Dana Anderson

FAX 803-399-7050

Cox Cable
(CNN Headline Local Ed)
1901 Oak Street
Myrtle Beach, SC 29577

803-448-4014
POC: Richard Green

FAX 803-626-2922

WIS TV 10 (NBC)
1111 Bull Street
Columbia, SC 29201
--carried on local cable--

803-758-1260
POC: Pete Poore

FAX 803-758-1278

WECT TV 6 (NBC)
P.O. Box 4029
Wilmington, NC 28406

910-791-8070
POC: Ron Becker

FAX 910-791-9535

Radio

CHARLESTON

WTMZ 910 AM
1 Orange Grove Road
Charleston, SC 29407

556-5660
POC: Mike Robertson

FAX 763-0304

WTMA 1250 AM
P.O. Box 30909
Charleston, SC 29417

556-1250
POC: Mike Robertson

FAX 763-0304

WAVF 96.1 FM
1964 Ashley River Rd
Charleston, SC 29407

852-9003
POC: Mary Catherine

FAX 852-9041

WEZL 103.5 FM
950 Houston Northcut
Suite 201
Mt Pleasant, SC 29464

884-2534
POC: Dan Gregory

FAX 884-1218

WBUB 107.5 FM
& WJZK FM
& WSSP FM
& WXTC AM
499 LaCross
Suite 1600
N. Charleston, SC 29406

566-1100

FAX 529-1933

POC: Fred Story

TAB c TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
JOINT INFORMATION CENTER (JIC)

1. STATEMENT OF PURPOSE. The purpose of the Joint Information Center (JIC) is to ensure timely and coordinated release of accurate information to the news media, internal and external audiences. While individual agencies and affected parties will continue to address their specific roles and duties in an oil spill or hazardous materials release, the JIC will serve as the focus of public affairs information relating to response activities.

2. ORGANIZATION.

a. The JIC is a flexible organization, and has allowances for varying the size of the staffing response to the magnitude of the response and available resources (see exhibit 1 on B-IV-d-2). Similarly, some members of the Charleston Area Committee provide a pool of well-trained public affairs specialists that can be used in a "surge capacity."

b. The lead Public Affairs Officers (PAO) for the federal, state, local agencies and when applicable the responsible party, will oversee the operation of the JIC, and provide the JIC supervisor guidance on media and community relations issues relating to the incident.

c. The JIC should be kept separate from the unified command center, either placed in an adjoining building or in distinctly separate rooms in the same building. This provides greater control of information flow without generating disturbances in response operations. Equipment needs for the JIC will vary depending upon the size of the incident and must be addressed early by the JIC supervisor.

d. This tab outlines the organization of the JIC and the specific duties and responsibilities of the JIC staff. The procedures outlined will serve as the basis for setting up and maintaining a JIC in support of the Charleston Area Contingency Plan (ACP).

ENCL i TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
LEAD PUBLIC AFFAIRS OFFICER

1. STAFFING. This position is held by a senior public affairs representative from one of the following:

- U.S. Coast Guard Marine Safety Office Charleston;
- South Carolina Department of Health and Environmental Control (SCDHEC);
- Responsible Party (or parties)
- Local fire department and/or emergency management agency

Only one Public Affairs Officer (PAO) will be assigned per incident.

2. RESPONSIBILITIES. The Lead PAO reports to the unified command and provides public relations advice and guidance to the Federal and State On-Scene Coordinators (FOSC and SOSOC). The PAO is also responsible for establishing and overseeing the JIC. The lead PAO will:

- Ensure that a JIC is established and fully functioning.
- Establish public affairs goals and objectives for the incident that ensures accurate and timely information to the news media, citizens, governmental officials, elected officials and other interested parties.
- Speak to policy issues regarding their respective agency or company.
- Provide direction on handling controversial and sensitive spill response issues including the use of dispersants, in-situ burning, drug testing, enforcement investigations, access for news media, etc.
- Receive input on issues from the JIC supervisor.
- Establish a schedule for news conferences, briefings and public informational meetings.
- Prepare the FOSC and SOSOC for news conferences and briefings.
- Assist with logistics for VIP tours/visits.
- Resolve disputes that may arise regarding public affairs issues between agencies and responsible parties.

ENCL ii TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
JOINT INFORMATION CENTER SUPERVISOR

1. STAFFING. An experienced public affairs/information specialist with working knowledge of response issues and the Incident Command System will hold this position.
2. RESPONSIBILITIES. The JIC supervisor is responsible for managing the JIC under the direct guidance of the lead PAO. The JIC supervisor will:
 - Ensure public information staff is assigned to appropriate positions within the JIC.
 - Assess skills, capabilities and interests of available public information staff (with assistance of the lead PAO) and match staff with appropriate positions when possible.
 - Review information supplied by information coordinators and determine appropriate method for dissemination.
 - Elevate unresolved or sensitive issues to the lead PAO.
 - Ensure news media updates, news releases and fact sheets are distributed to JIC staff, on-site news media, off-site agency officials and other interested parties.
 - Provide orientation for newly arriving or assigned public information staff (this task may be delegated to the JIC deputy supervisor or other staff as appropriate).
 - Performs the duties of the JIC deputy supervisor if none is assigned.

ENCL iii TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
JOINT INFORMATION CENTER DEPUTY SUPERVISOR

1. STAFFING. This position will be held by an experienced public affairs/ information specialist and will be from a different agency/organization than the JIC supervisor.
2. RESPONSIBILITIES. Reports to the JIC supervisor and carries out assignments as given. The JIC deputy supervisor manages the Media Relations Coordinator, Community Relations Coordinator and Internal Relations Coordinator and is expected to be able to carry out all of the responsibilities of the JIC supervisor when necessary. May be called upon to be JIC supervisor during the night shift.

ENCL iv TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
MEDIA RELATIONS

1. **STAFFING**. Positions in this group are staffed by experienced public affairs/information specialists that have local knowledge of the area (for example, geographical features) and the news media.
2. **RESPONSIBILITIES**. The media relations group reports to the JIC deputy supervisor and is responsible for answering news media inquiries. This group is also responsible for setting up facilities for news conferences and briefings. The following are specific responsibilities for this group.
 - a. **MEDIA RELATIONS COORDINATOR**. Responsible for ensuring that news media inquiries are responded to in a timely and accurate manner. Works with the JIC deputy supervisor to ensure requests for information are responded to in a timely and manner. Ensures all media relations staff has the most current information on the spill response effort. Performs the duties of the Release Writer if none is assigned.
 - b. **RELEASE WRITER**. Writers must have solid journalistic abilities and be proficient with computers/word processing software. The release writer(s) will draft all news media updates, news releases and fact sheets as directed by the JIC supervisor or media relations coordinator.
 - c. **MEDIA PHONE STAFF**. Ideally, this staff will include at least one representative each from the U.S. Coast Guard, South Carolina Department of Health and Environmental Control, responsible party and local government. The phone staff will:
 - Answer inquiries from the media.
 - Direct reporter calls to appropriate media phone staff when an "agency" or "responsible party" response is warranted.
 - Provide the media relations coordinator with questions and "rumors" that need to be researched or checked-out.
 - d. **REMOTE SITE MEDIA LIAISON**. Monitor news coverage and:
 - Provide answers and written materials to reporters who are at the field command post location.
 - Work with the media relations coordinator to locate appropriate staff for one-on-one interviews when warranted.
 - Escort reporters and photographers through the field command post as necessary.
 - Set up facility for on-site news conferences and facilitate "pool" coverage when necessary.
 - Provide direction to field locations as appropriate.

ENCL v TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
COMMUNITY RELATIONS

1. **STAFFING.** Positions in this group are staffed by experienced public outreach, legislative or public affairs/information specialists that have local knowledge of the area and governmental affairs of South Carolina.

2. **RESPONSIBILITIES.** The community relations group reports to the JIC deputy supervisor and is responsible for responding to inquiries from citizens, organizations and local, state and Congressional representatives or staffs. Determines information needs of the local community and discusses methods to meet those needs with the JIC deputy supervisor and the lead PAO. Following are specific responsibilities for this group.

a. **COMMUNITY RELATIONS COORDINATOR.** Responsible for ensuring that an effective community relations group is established. The community relations coordinator will:

- Make sure activities are coordinated among the various agencies and the responsible party.
- Determine information needs of the local community (including "rumors") and discusses methods to meet those needs with the JIC supervisor and lead PAO.
- Establish point-of-contact for local citizens to obtain spill/release information.
- Convey citizen issues to the JIC supervisor and lead PAO.
- Assess need to establish community spill information repository or information center.
- Assess possibility of utilizing community cable access.

b. **COMMUNITY RELATIONS STAFF.** The community relations staff will:

- Represent their respective agency or the responsible party.
- Respond to inquiries from citizens, organizations and governmental entities.
- Monitor the "pulse" of the local community.
- Provide "rumor" information to the community relations coordinator for assessment.
- Discuss information needs and determine appropriate methods to meet those needs with the community relations coordinator.
- Coordinate visits and tours by government officials.

ENCL vi TO TAB c TO APP IV TO ANNEX B TO CHARLESTON O&H ACP
INTERNAL RELATIONS

1. **STAFFING.** Experienced public affairs/information specialists staff positions in this group.

2. **RESPONSIBILITIES.** The internal relations group reports to the JIC deputy supervisor and is responsible for gathering specific information about the response effort directly from the Finance, Logistics, Operations and Planning sections. The internal relations staff will work closely with the appropriate section chief and/or the designated section public information contact. Information gathered is ultimately provided to the lead PAO for dissemination to the public. This information, once collected, will be provided back to the members of the Finance, Logistics, Operations and Planning sections via periodic "all hands" briefs.

a. **INTERNAL RELATIONS COORDINATOR.** Responsible for ensuring that an effective internal relations group is established. In a small-scale response the internal relations coordinator may be tasked with performing the duties of the section liaisons. Additionally, the internal relations coordinator will:

- Make sure activities are coordinated among the Finance, Logistics, Operations and Planning liaisons.
- Provide information gathered to the JIC deputy supervisor.
- Determine information needs of the section staffs and conduct appropriate staff briefs as needed.

b. **FINANCE/LOGISTICS LIAISON.** At a minimum, obtain the following information:

- Noteworthy logistical activities (equipment from out-of-state, etc.).
- Claims process information.
- Total number of people involved in the response effort.

c. **OPERATIONS/PLANNING LIAISON.** At a minimum, obtain the following information:

- Relevant vessel/facility information (name, owner, size, type, damage).
- Status of salvage operations.
- Size of the spill/release (including trajectories).
- Material spilled/released.
- Amount of material recovered.
- Waste storage and disposal activities.
- Location of equipment and staging areas.
- Safety restrictions or advisories.
- Impact on environmentally sensitive areas.
- Impact on wildlife, status of wildlife rehabilitation efforts.
- Incident Action Plan status (obtain copy when complete).

TAB d TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
MEDIA RELEASE SAMPLE

The **media release** should be prepared on official letterhead or in a prescribed media release format (see the following example). It should always include a point of contact's name and work telephone number for additional information. The media release should be sent by the most expeditious manner (facsimile is the preferred method). A wide distribution can be accomplished quickly by sending the release to the local wire services.

While it is not necessary to send a news release to every news agency listed, care should be taken not to give the appearance of giving one media outlet or entity preferential or exclusive access. A copy of the news release should be provided to the Unified Command staff and posted in the Command Center.

An updated press release should be prepared at regular intervals so that the media can be continually informed of progress. Distributing a media release by 0900 and 1600 on a daily basis will place timely information in the hands of the television and radio media for inclusion in the noon and evening news summaries. For the print media, an evening press release is recommended to provide a final update for the day. This daily press release, provided as often as necessary, should continue until the pollution incident has been concluded, or there is no more media interest.

U. S. COAST GUARD NEWS

U. S. Coast Guard Marine Safety Office
196 Tradd Street
Charleston, South Carolina, 29401-1899
Contact: [Name of PAO], Public Affairs Officer
Telephone: (843)720-7701 Fax: (843)720-7705

FOR IMMEDIATE RELEASE

[Time] [Date]

[TITLE]

[Body of Text - start with an action line, such as; "The U.S Coast Guard, South Carolina Department of Health and Environmental Control and Acme Oil Company have established a unified command staff to aggressively and effectively respond to the oil spill which occurred this morning at the Acme Terminal on the Cooper River"]

[Amplify and provide any needed background information]

[Provide point-of-contact if different from the PAO listed above]

-USCG-

ENCL i TO TAB d TO APP IV TO ANNEX B TO THE CHARLESTON O&H ACP
MEDIA GUIDANCE REGARDING THE OIL SPILL LIABILITY TRUST FUND

1. GENERAL. The following information on the Oil Spill Liability Trust Fund has been developed by the United States Coast Guard NATIONAL POLLUTION FUNDS CENTER 4200 Wilson Blvd., Suite 1000 Arlington, VA 22203-1804. This section contains general media guidance, and guidance for three scenarios involving vessels in the Coastal Area.

2. GENERAL PRESS GUIDANCE.

a. What is the Oil Spill Liability Trust Fund (OSLTF)?

It is a billion-dollar fund established as a secondary source of money to pay for certain costs and damages associated with oil spills. The OSLTF is used when there is no responsible party or guarantor, or costs have exceeded the responsible party's limit of liability and the responsible party or guarantor is not paying above their limit. The National Pollution Funds Center (NPFC) publishes an informational brochure and Annual Report that may be obtained by calling (703) 235-4710.

b. What is the National Pollution Funds Center?

It is a Coast Guard command that administers the Oil Spill Liability Trust Fund.

c. You mentioned damages. What types of damages are the responsible parties liable for?

- Natural Resources Damages
- Real or Personal Property Damages
- Loss of Subsistence Use
- Lost Revenues
- Lost Profits or Earning Capacity
- Increased Cost of Public Services

d. Does the National Pollution Funds Center (NPFC) have guidance about how claims should be submitted?

Yes, the NPFC publishes a "Claimant's Information Guide" which may be obtained by calling 1-800-280-7118 or by writing to the National Pollution Funds Center, 4200 Wilson Blvd., Suite 1000, Arlington, VA, 22203-1804.

e. How much money is in the Oil Spill Liability Trust Fund?

The level varies but is generally around \$1 billion. Out of the \$1 billion in the Parent Fund, there is \$-- million available, in the Emergency Fund portion of the OSLTF, for removal and initiation actions. ----- dollars have already been committed to this effort.

(Note: Specific information can be obtained from the NPFC case officer or regional manager by calling (703) 235-4756.)

f. Is there a maximum amount that can be spent?

Yes, the maximum allowed by law for any one incident is \$1 billion. Of that, not more than \$500 million may be spent on Natural Resource Damages.

g. How is the fund (OSLTF) be replenished?

The Fund is replenished with reimbursements from responsible parties, assessments of fines and penalties against spillers, and interest earned on the principal in the Fund. Additionally, the Coast Guard could seek a supplemental appropriation from Congress to replenish the Emergency Fund. Reinstatement of the tax on domestic and imported oil may be needed to replenish the OSLTF.

3. SCENARIO I. The responsible party has agreed to pay removal costs and damages.

a. Who is paying for the cleanup?

The (M/V-----) has been designated by the Coast Guard as the source of the discharge. According to the Oil Pollution Act of 1990 (OPA 90), the owner/operator of the source responsible for the discharge, as well as the guarantor of record, are responsible for payment of the removal (cleanup) costs and damages resulting from the spill. (Note: the identification of the designated source may be obtained from the FOSC or NPFC regional manager at (703) 235-4756.)

b. How much do they have to pay?

Generally, under OPA 90 a party responsible for a discharge must pay for all removal costs and damages up to their limit of liability.

c. What is their limit of liability?

Based on the gross tonnage and type of vessel, the OPA limit of liability is \$----- for this vessel. (Note: Call NPFC's Vessel Certification functional area at (703) 235-4810 to obtain Certificate Of Financial Responsibility (COFR) information. General liability limits, as defined by law, for vessels of different classes and tonnage, are provided in enclosure (1) to this Tab.)

d. What happens if the costs exceed their legal limit of liability?

We encourage the responsible party to continue to pay for all removal costs and damages in order to prevent disruption of the removal effort. The responsible party may file a claim with the NPFC for costs over and above their limit of liability. However, if they choose not to provide funds over their limit of liability, the Oil Spill Liability Trust Fund may be used to pay for removal costs and damages.

e. How can people who have been damaged receive compensation?

The responsible party and guarantor have been notified of the OPA designation of the vessel or facility as the source of the spill. They have 15 days from the date of designation to advertise the designation and the procedures people may use to present claims. In this instance the responsible party has already published a telephone number to call and an address to send claims. They are: (obtain this information from the FOSC, the responsible party, or NPFC's regional manager.)

f. Can I ask for and receive a partial payment on my claim without jeopardizing my right to a full recovery under OPA-90?

The Coast Guard has encouraged the Responsible Party to make partial payments on claims in order to minimize the financial impact of the spill on claimants. A partial or interim claims payment does not limit your right to full recovery under OPA-90 or other laws.

g. What happens if they don't pay a claim?

Generally, if a claim has not been settled 90 days after filing, the claimant can elect to commence action in court against the responsible party or present a claim to the National Pollution Funds Center (NPFC). State claims are permitted to go directly to the NPFC.

h. Can claimants go to the NPFC directly?

No, generally claimants must first present their claims to the responsible party or guarantor.

i. Who is the guarantor?

The guarantor, for the M/V ----- is -----, but call 1-800----- about filing a claim. (Note: Call NPFC's Vessel Certification functional area at (703) 235-4810 to obtain Certificate Of Financial Responsibility (COFR) information.) Most commercial vessels operating in U.S. waters are required to show evidence of financial responsibility or, if you will, a guaranty. Based upon that evidence the NPFC issues a Certificate Of Financial Responsibility (COFR). This COFR guaranty ensures that, in the event of a spill, the responsible party has sufficient assets to pay for removal and damage costs up to their limit of liability. If they don't, the guarantor promises to pay up to the responsible party's limit of liability.

j. We know the responsible party is paying for the cleanup contractors. Who is paying for all the Coast Guard and other federal agencies that are participating in the effort?

All federal removal costs are being documented and charged to the OSLTF. The NPFC will compile these costs, and then bill the responsible party and guarantor.

k. What if the responsible party can't or will not pay for cleanup costs and damages?

As I stated earlier, prior to the vessel operating in U.S. waters, its owner and operator must obtain a Certificate of Financial Responsibility (COFR). This COFR is only issued if the owner and operator show proof that funds will be available, up to the vessel's limit of liability, to pay for this effort.

If cleanup costs exceed the vessel's limit of liability, then either the responsible party, or the OSLTF, will be available to pay for cleanup and damages resulting from this spill.

l. How will the Natural Resource Damages be assessed?

Refer this question to the lead Federal Natural Resource Trustee.

m. How will the people responsible for natural resources start to assess the cost of damages to wildlife, trees, shorelines, etc.?

We anticipate the Federal Natural Resource Trustees, working together, will ask the responsible party for funds to start the natural resource damage assessment. If the responsible party declines to provide funds for the initiation of a Natural Resource Damage Assessment, monies may be obtained from the National Pollution Funds Center for this purpose.

n. If the responsible party decides not to process claims, for uncompensated removal costs or damages resulting from the spill, will the NPFC set up a claims office?

It is our understanding that the Responsible Party, and their guarantors, have been very responsive so far. We expect they will continue to handle all claims directly. However, if they do not continue to handle claims, the National Pollution Funds Center (NPFC) will handle damage claims. If the extent of damages warrants, a local claims office will be established. You will soon hear or see notices in local newspapers, radio and television.

4. SCENARIO II. There has been an oil spill but no responsible party has been identified--a so called "mystery spill."

a. Who is paying for the cleanup?

Until we can identify the source of the oil spill and the party responsible for it, the costs are being paid out of the Oil Spill Liability Trust Fund.

b. What happens if the cost of cleanup and damages exceeds the amount available in the Emergency Fund?

Costs for cleanup and the "initiation of natural resource damage assessments" are paid out of the Emergency Fund. The larger, Parent Fund, is used to pay for damages. The Emergency Fund can be replenished by a Congressional appropriation. The Oil Pollution Act of 1990 limits the amount that can be spent on any one incident to \$1 billion. Of that, not more than \$500 million may be spent on Natural Resource Damages.

c. How can people who have been damaged receive compensation?

In cases like this, where there is no responsible party, claims may be submitted directly to the National Pollution Funds Center, 4200 Wilson Blvd., Suite 1000, Arlington, VA., 22203-1804. You can get a copy of NPFC's Claimant's Guide by calling 1-800 280-7118. However, in accordance with the decision of the Comptroller General, Natural Resource Trustees may not

submit claims for Natural Resource Damages to the National Pollution Funds Center. They may seek restoration funds through the appropriations process.

d. How soon will claimants receive compensation?

The NPFC will evaluate each claim on its own merit, in the order they are received. The key element in a speedy claims settlement is good documentation. The claimant must provide proof of the damages incurred and show the link to the oil spill. In the case of uncompensated removal costs, coordination with the Federal On-Scene Coordinator (FOSC) is important to establish that the actions taken were consistent with the National Contingency Plan.

e. Can I receive a partial payment on my claim without jeopardizing my right to a full recovery under OPA-90?

The NPFC does make partial payments from the OSLTF when appropriate. A partial or interim claims payment does not limit your right to full recovery under OPA-90 or other laws.

f. What about money the federal government has already spent on cleaning up this oil?

We are documenting all our costs. The NPFC will compile the appropriate costs and bill the responsible party if and when identified.

5. SCENARIO III. The responsible party denies designation.

a. Can the Responsible Party "walk away" from the spill? Doesn't the law require the source to pay for removal and damages?

Yes, under the Oil Pollution Act of 1990 (OPA 90), the responsible party is liable for removal costs and damages up to their limit of liability, unless that limit is broken for some reason, such as gross negligence. In this case the Coast Guard designated (-----) as the source of the spill. (-----) has denied this designation. (Note: this information may be obtained from NPFC's case officer or regional manager at (703) 235-4756.) Denial of designation doesn't relieve a source of OPA 90 liability.

b. What happens now? Who will pay for removal costs?

The Federal On-Scene Coordinator (FOSC), using funds from the Oil Spill Liability Trust Fund, will be responsible for the removal effort.

c. What about claims for damages?

In the absence of a responsible party, the National Pollution Funds Center (NPFC) will handle claims. If the extent of damages warrants, a local claims office will be established. You will soon hear or see notices in local newspapers, radio and television about this. You may call NPFC's claims staff to get a copy of NPFC's Claimant's Guide by calling 1-800 280-7118.

d. Can I ask for and receive a partial payment on my claim without jeopardizing my right to a full recovery under OPA-90?

The NPFC does make partial payments from the OSLTF when appropriate. A partial or interim claims payment does not limit your right to full recovery under OPA-90 or other laws.

e. Is the federal government going to get stuck with the cleanup bill?

Hopefully not. We are documenting all our costs. The NPFC will compile the appropriate costs and bill the responsible party. The law also provides for direct access to the responsible party's guarantor to recover costs. If necessary, the U.S. can bring suit against the responsible party and their guarantor, through the Department of Justice.

TAB e TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
SAMPLE FACT SHEET

The **fact sheet** is designed to provide the media with important details about the spill cleanup operations, and identifies a point of contact that the media can call if they need more information. Fact sheets should be updated at least daily or whenever situational changes warrant.

MEDIA FACT SHEET

U.S. COAST GUARD MARINE SAFETY OFFICE CHARLESTON
FACT SHEET

CONTACT:

PHONE:

FAX:

SITUATION:

WHAT:

WHEN:

WHERE:

WHO:

HOW:

WHY:

AVAILABLE VISUALS:

AMPLYFYING INFORMATION:

TAB f TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
SAMPLE PORT COMMUNITY INFORMATION BULLETIN

A **Port Community Information Bulletin (PCIB)** should be prepared to inform the local port community (The Maritime Association, agents, shippers, pilots, marinas, etc.) of any action which may have an adverse impact on maritime well being or which the port community may have a general interest (see the following example). The PCIB should be sent by the most expeditious manner (facsimile is the preferred method).

PORT COMMUNITY INFORMATION BULLETIN

- YR

[TITLE]

[Body of Text - Effective 10:00 A.M. local, 07 October 1996, Coast Guard Captain of the Port Charleston has established a Safety Zone in the vicinity of the Acme Oil Terminal dock on the Cooper River. No vessel may enter the zone without the permission of the Captain of the Port.

All mariners are advised to use precaution when transiting in this area so as not to impede the operations of any pollution cleanup vessels.]

F. J. Sturm
Commander, U.S. Coast Guard
Captain of the Port
Charleston, South Carolina

TAB g TO APPENDIX IV TO ANNEX B TO THE CHARLESTON OIL & HAZMAT ACP
CHECKLIST FOR PUBLIC AFFAIRS RESPONSE TO POLLUTION INCIDENTS

- ____ 1. Designate an incident PAO. This person may change with time from a unit officer to a PIAT member to a District officer to a senior officer from another command. Make sure all PAs know who the PAO is and understand that the PAO reports to the OSC.
- ____ 2. Complete facts sheet (B-IV-e) and prepare a 30-second media statement (about 150 words maximum).
- ____ 3. Record media statement on voice-mail, record-a-phone or similar automatic message service so media can get updates.
- ____ 4. Establish a phone screening system (watchstanders, automated, etc.) that directs news media to prerecorded update.
- ____ 5. Have three phone lines available for public affairs use: incoming (published), outgoing (unpublished), and FAX.
- ____ 6. Contact district (dpa) at outset of any actual medium spill or larger to arrange for PA backup. May be TAD PAs or referral of media calls to (dpa) or some variation.
- ____ 7. Contact NSFCC, PIAT to alert in case of any potential major incident (if not already done as part of 6 above). Note: OSC may request PIAT assistance at any time regardless of spill size.
- ____ 8. Update fact sheet (B-IV-f) at least daily and fax or phone update to major media outlets.
- ____ 9. Schedule a media availability with the OSC at least daily when media interest is great (if unsure if needed, ask reporters; they will tell you whether the story is worth a trip to your unit).
- ____ 10. The primary purpose of the news conference/media availability is to put forth the OSC's assessment of the progress of the response, its secondary purpose is to answer media questions. Use B-IV-f as the primary tool for briefings.
- ____ 11. In major spills, designate a Community Relations Coordinator to handle VIP visitors (see B-IV-d-v). Do not assign this function to the PAO.
- ____ 12. In major spills of high interest, designate an OSC aide. Access to the OSC and the OSC's time is critical in such incidents and must be scheduled carefully.
- ____ 13. Require the PAO to brief the OSC each morning on the media coverage of the incident and the specific public affairs goals for the day. The OSC should update the fact sheet at this time.

____14. Establish a Joint Information Center if the size of the incident requires it (see B-IV-d-1). Only the OSC or the OSC's spokesperson speaks for all agencies, but each agency can speak for itself.

